

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

EDUARDO LIMON,  
*Plaintiff*

v.

WALMART, INC.,  
*Defendant*

§  
§  
§  
§  
§  
§

Case No. 1:23-CV-00798-SH

**ORDER**

Now before the Court is Plaintiff Eduardo Limon’s Motion to Compel Deposition of a Non-Party Witness, filed August 9, 2024 (Dkt. 21).

The discovery deadline in this case expired July 26, 2024. Amended Scheduling Order, Dkt. 17 ¶ 4. Local Rule CV-16(e) of the Local Court Rules of the United States District Court for the Western District of Texas states: “Absent exceptional circumstances, no motions relating to discovery, including motions under Rules 26(c), 29, and 37, shall be filed after the expiration of the discovery deadline, unless they are filed within 14 days after the discovery deadline *and pertain to conduct occurring during the final 7 days of discovery.*” (emphasis added).

Plaintiff’s Motion to Compel concerns the failure of a nonparty witness to appear for deposition on July 9, 2024, nearly three weeks before discovery closed. Plaintiff does not show – or even argue – that any exceptional circumstances exist.

Accordingly, Plaintiff Eduardo Limon’s Motion to Compel Deposition of a Non-Party Witness (Dkt. 21) is **DENIED** as untimely under Local Rule CV-16(e).

**SIGNED** on August 12, 2024.



---

SUSAN HIGHTOWER  
UNITED STATES MAGISTRATE JUDGE